

Excerpts
Planning Commission Minutes
June 11, 2003

Application No. UP-618-03, ALLTEL Communications, Inc.: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance, to authorize a 150-foot self-supporting communications tower with associated ground-mounted equipment within a leased area located on a portion of the property of Clinton C. and Nancy H. Gardner, located at 715 Lakeside Drive and further identified as Assessor's Parcel No. 30-62. The 49.0-acre property is located on the west side of Lakeside Drive (Route 620).

Ms. Amy Parker summarized the staff report to the Commission dated June 3, 2003. The staff recommended approval subject to conditions contained in proposed Resolution PC03-13.

Hearing no questions from the Commission, Chair Hendricks opened the public hearing.

Mr. Dick Gibson, 105 E High Street, Charlottesville, VA, attorney representing the applicant, noted that Alltel is upgrading systems where needed. The two Alltel towers serving the local area have almost reached their capacity and, unless service is enhanced, they could reach total capacity by the end of 2003. After determining that neither adding antennas to existing structures nor placing an antenna on an existing tall structure were options for this service area, his clients contacted Mr. Terry Hall, Emergency Communications Manager for the County, who suggested they look at the subject property. It is a good location for providing the coverage Alltel needs, according to Mr. Gibson, and with its stand of trees screening residential areas it is aesthetically ideal, as well. The applicant is proposing a 145-foot monopole plus a five-foot lighting rod. The tower as proposed would provide space for three co-locators, thereby minimizing the need for more towers to serve the area in the foreseeable future. Because the site is subject to the Airport Safety Management Overlay district (ASM) provisions of the Zoning Ordinance, the applicant is applying for the necessary approval from the Federal Aviation Administration (FAA).

Mr. Ptasznik expressed apprehension about the possible need for the applicant to grade the site down in order to meet the height requirements and the effect the grading would have on drainage and sediment. Mr. Gibson the tower height is based on mean sea level, so the only grading would be to level the site and dig the foundation for the tower.

Mr. Gibson then requested modification of proposed Condition No. 8 that would prohibit all signage except warning signs, because the applicant must meet the FAA requirement to provide identification on the tower by the use of a small sign.

Mr. Heavner wanted to know the locations of towers that currently provide Alltel customer service within the County, and Mr. Gibson pointed out a number of coverage-provider towers.

There being no further questions, the Chair opened the public hearing.

Mr. Joe Swartout, 101 Choisy Crescent, President of York Crossing Homeowners Association, said the major concern of the homeowners is security for the children at York Crossing and Grafton Station Apartments who play in the fields adjacent to the residential developments and concern that a child could get over a fence to reach the tower. Mr. Swartout said other residents have inquired about possible electromagnetic interference from the tower; why recent land surveys were taken on private property in the neighborhoods; if the tower maintenance trucks would be using York Crossing Road and Souverain Landing; and the view of the tower that some homeowners would find objectionable, especially in the fall and winter when there will be little or no foliage to block views of the tower. Mr. Swartout said the Homeowners Association does not oppose the application, but the residents cherish the atmosphere they have created and assume the applicant will make every effort to mitigate any objectionable views of the tower from the neighborhood.

Mr. Larry Wilson, 403 Ship Point Road, president of Peninsula Hardwood Mulch, explained that the applicants toured all of the Hardwood Mulch property with him and settled on the proposed site because of the tall hardwood trees that would provide a natural buffer for York Crossing. Mr. Wilson said none of the affected residents has approached him with any questions or problems about the site.

Mr. Gibson addressed Mr. Swartout's concerns: A security fence will surround the tower facility. No electromagnetic or radio waves will interfere with other devices, but if such interference were to occur, any citizen can call the Federal Communications Commission (FCC) on its citizens' hotline and the problem will be taken care of. The tower site's caretakers and Alltel can access the site only from the Peninsula Hardwood Mulch property. Additional landscaping will be planted for additional screening.

No one else was present who wished to speak, and Chair Hendricks closed the public hearing.

Mr. Hamilton wanted assurance that other service providers will know of the co-locations, and Mr. Gibson explained that there are a variety of ways within the industry for cell phone service providers to locate existing towers on which co-locations are available.

Mr. Hendricks stated that he could support approval of this application.

Ms. White thought this was a reasonable site for another monopole to serve the needs of the citizens.

Mr. Ptasznik believed the area in question was a good one for the proposed use, and a monopole appeared to be the best choice.

Mr. Ptasznik moved to adopt proposed Resolution PC03-13(R), with a revised Condition No. 8 to allow identification signage.

PC03-13(R)

On motion of Mr. Ptasznik, which carried 6:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE A 150-FOOT SELF-SUPPORTING MONOPOLE COMMUNICATIONS TOWER WITH ASSOCIATED GROUND MOUNTED EQUIPMENT AT 715 LAKESIDE DRIVE

WHEREAS, ALLTEL Communications, Incorporated has submitted Application No. UP-618-03, which requests a Special Use Permit pursuant to Section 24.1-306 (Category 17, No. 7) of the York County Zoning Ordinance, to authorize construction of a 150-foot freestanding monopole communications tower with associated equipment on a portion of the parcel located at 715 Lakeside Drive (Route 620) and further identified as Assessor's Parcel No. 30-62; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 11th day of June, 2003 that Application No. UP-618-03 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize construction of a 150-foot freestanding monopole communications tower with associated equipment on a portion of the 49.0 acre parcel of land located at 715 Lakeside Drive (Route 620) and further identified as Assessor's Parcel No. 30-62, subject to the following conditions:

1. This use permit shall authorize the construction of a freestanding monopole communications tower with associated equipment on a portion of the 49.0 acre parcel of land located at 715 Lakeside Drive (Route 620) and further identified as Assessor's Parcel No. 30-62.
2. The height of the tower shall not exceed 150 feet, or such maximum height as permitted pursuant to Section 24.1-371, whichever is less.
3. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the County prior to commencement of land clearing or any construction activity on the subject property. Except as modified herein, said plan shall be substantially in conformance with the sketch plan submitted by the applicant titled "Preliminary Site Plan, 150' Monopole, ALLTEL Harwood Mills, Yorktown, Virginia," Sheets CUP 1 & CUP 2, dated 4/30/03, amended to 5/29/03, prepared by Kimley-

Horn and Associates, Inc. and received by the Planning Division May 30, 2003. As part of the site plan submittal, the applicant shall prepare a frequency intermodulation study to determine the impact on current communication transmissions for the York County Departments of Fire and Life Safety and General Services, Sheriff's Office, School Division, and the Intrac Sewer Telemetry System. Should any equipment associated with this facility at any time during the operation of the tower be found by the County to cause interference with County communications, the applicant shall be responsible for the elimination of said interference within twenty-four (24) hours of receipt of notice from the County.

4. Construction and operation of the tower shall be in conformance with the performance standards set forth in Sections 24.1-493 and 24.1-494 of the Zoning Ordinance.
5. The applicant shall submit to the County a statement from a registered engineer certifying that NIER (nonionizing electromagnetic radiation) emitted from the tower does not result in a ground level exposure at any point outside such facility that exceeds the maximum applicable exposure standards established by any regulatory agency of the U.S. Government or the American National Standards Institute.
6. A report from a registered structural or civil engineer shall be submitted indicating tower height and design, structure installation, and total anticipated capacity of the structure (including number and types of users that the structure can accommodate). These data shall satisfactorily demonstrate that the proposed tower conforms to all structural requirements of the Uniform Statewide Building Code and shall set out whether the tower will meet the structural requirement of EIA-222E, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
7. Prior to site plan approval and satisfactory to the Zoning Administrator and County Attorney, a joint easement as shown on the above noted sketch plan shall be established for the benefit of tower patrons for purposes of ingress, egress, and installation and maintenance of utilities associated with the proposed telecommunications facility. Said easement shall not operate to conflict with ingress/egress easement as required pursuant to proffers associated with Rezoning No. 88-3, approved by the York County Board of Supervisors on March 3, 1988.
8. Advertising and signage on the tower shall be expressly prohibited, except for warning signs or required regulatory signs associated with the operation of the tower or its equipment.
9. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration, Federal Communications Commission, and any other review authority with jurisdiction over the tower, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
10. Evergreen planting material shall be installed for screening surrounding the facility as shown on the above referenced sketch plan Sheet CUP-2 and pursuant to Section 24.1-240 et. seq.

11. The existing wooded area located to the west of the proposed tower site and paralleling the subject parcel's western property border as shown on the above referenced sketch plan shall be preserved and maintained for screening purposes.
12. If at any time use of the communications tower ceases, the owner of the subject property on which the tower is located shall dismantle and remove it within six (6) months after ceasing to use it, unless:
 - (1) A binding lease agreement or letter of intent with another wireless communications provider has been executed in which case an additional six (6) months shall be granted. If a letter of intent is provided, the execution date for a binding lease agreement shall not extend more than (12) months beyond the time the use of the tower ceases, or
 - (2) The County requests, in writing, that the tower be reserved for County use.
13. Accessory facilities shall not include offices, vehicle storage, or outdoor storage unless permitted by the district regulations.
14. Evidence shall be provided prior to receipt of a building permit that the Virginia State Corporation Commission has been notified that a communication facility is to be constructed.
15. The equipment building and associated equipment shall be completely enclosed by a security fence to the satisfaction of the County. To facilitate screening of the facility, green netting of a type and materials acceptable to the Zoning Administrator shall be installed on the fence surrounding the facility.
16. The communication tower shall be gray in color. Should Federal Aviation Administration requirements dictate special markings, tower lighting shall be used in lieu of multi-color painting. If painting is required, a tower maintenance plan shall be submitted to and approved by the County.
17. No microwave dishes, conical shaped antennae, or other dish shall be permitted on the tower.
18. The communications tower shall be structurally designed to accommodate no fewer than three (3) wireless users capable of supporting either PCS or cellular antenna arrays. If space is available, the County shall have the right of first refusal for leasing a space on the tower to place an antenna in support of operations consistent with the County's Department of Fire and Life Safety.
19. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.